

**CITY COUNCIL MEETING
CITY OF WATERTOWN
July 7, 2014
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Stephen A. Jennings
Council Member Teresa R. Macaluso
Mayor Graham

Also Present: Beth Morris, Confidential Assistant to the City Manager
Robert J. Slye, City Attorney

City staff present: Jim Mills, Ken Mix, Kurt Hauk, Chief Herman, Deputy Chief Randall, Chief Donoghue, Amy Pastuf, Eugene Hayes, Margaret Puccia, Amie Davis, Michael Sligar, Brian Phelps, Erin Gardner, David Wurzburg

The City Manager presented the following reports to Council:

- Resolution No. 1 - Establishing Standard Work Day and Reporting For Council Member Stephen A. Jennings
- Resolution No. 2 - Establishing Standard Work Day and Reporting For Council Member Teresa R. Macaluso
- Resolution No. 3 - Approving Employment Agreement Between the City of Watertown and Sharon Addison, City Manager
- Resolution No. 4 - Amendment No. 98 to the Management And Management Confidential Pay Plan
- Resolution No. 5 - Approving Agreement for Public Benefit Services Between the City of Watertown and the Community Action Planning Council of Jefferson County, Inc.
- Resolution No. 6 - Approving Agreement Between the City of Watertown and the Thompson Park Conservancy
- Resolution No. 7 - Accepting Bid for Department of Public Works Snow Dump Chute Reconstruction Project, Acts II Construction Inc.
- Resolution No. 8 - Authorizing Spending From Capital Reserve Fund
- Resolution No. 9 - Approving Change Order No. 2 for Arena Storage Building Project, D.E.W. Builders, Inc.
- Resolution No. 10 - Authorizing Public Auction for Sale of City Owned Property
- Resolution No. 11 - Approving Change Order No. 5 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.
- Resolution No. 12 - Approving Change Order No. 1 to Waste Water Disinfection Improvement Project, Plumbing, Hyde-Stone
- Resolution No. 13 - Authorizing Sale of Real Property, Formerly known as 283 and 284 Hillcrest Avenue to Mark W. Jones 125a Joseph Lonsway Drive, Clayton, NY 13624
- Resolution No. 14 - Approving Grant Application to the Justice Assistance Grant Program, Interlocal Agreement Between the City of Watertown and County of Jefferson

- Resolution No. 15 - Approving Professional Services Agreement Between the City of Watertown and Public Sector HR Consultants, LLC
- Resolution No. 16 - Approving a Special Use Permit Request to Operate a Car Wash in a Neighborhood Business District at 816 Bradley Street, Parcels 1-09-201, 1-09-202, and 1-09-203.100
- Resolution No. 17 - Approving Addition of Apartment to North Country Transitional Living Services Apartment Treatment Program, 497 Newell Street
- Resolution No. 18 - Authorizing Application for NYS Division of Homeland Security and Emergency Services (DHSES) Under the FY 2014 Technical Rescue and USAR Grant, Fire Department
- Ordinance No. 1 - Changing the Approved Zoning Classification of 127 Winslow Street, Parcel 11-05-208, from Residence C to Limited Business District
- Tabled - Resolution Approving Professional Services Agreement Between the City of Watertown and Ralph Marcellus, LCSW-R, ACSW, CASAC
- Request for Billing Adjustment to Water Charges
- Surplus Sale of Vehicles and Equipment
- Sales Tax Revenue – May 2014

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of June 16, 2014 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

COMMUNICATIONS

A Notice of Summons and Complaint was received regarding a foreclosure for a property on Mill Street. **Above communication was placed on file in the office of the City Clerk.**

PRIVILEGE OF THE FLOOR

S.G. Gates, 157 Dorsey Street addressed Council regarding the need for a dog park in Watertown stating that he feels the community would come together and pay for this. In addition, he stated the Dog Law is discriminatory in that dog owners cannot have dog friendly events. He said that the event organizers should have the option of deciding whether dogs can attend the event. He spoke of his recent experience during Kite Day and questioned why he was charged with trespassing and not with violating the Dog Law. He requested that Council adjust the law to let the event organizers have a choice.

Joel Timourou, 468 South Meadow Street spoke in support of a dog park stating he understands the risks and hazards but feels that the benefits outweigh the risks. He commented that the socialization that dogs receive offers a large benefit and a dog park would be very beneficial for this area.

Daniel Mount, 636 Boyd Street addressed the chair in support of a dog park commenting that dogs are like family members. He said that it would be nice to be able to use this with his dog.

Tammy Angel, 166 Cedar Street asked Council to look into options for a dog park and wondered what needs to be done in order for Council to look into this. She also asked for the “Dog Ban” to be revoked or reviewed. She mentioned that she is originally from a community with a dog park and was a routine user of it. She said that she was disappointed when she moved to Watertown knowing that there was not a dog park because she does not have a large yard conducive to letting her dogs run free. She also expressed concern with the problem of feral cats.

Matthew Northup, 166 Cedar Street stated that he was here tonight in support of the dog park and asked that the “Dog Ban” be reworted because he would like to see a dog friendly community.

Shannon Drean, 233 Barben Avenue expressed support of a dog park and stated that the dog law took a step backwards. She added that there are a lot of dog owners in the City that do not have yards that are conducive to letting their dogs run free.

Jenny Cazinelle, 1502 State Street addressed the chair as to why dogs get a bad reputation and noted that Nassau County requires abusive owners to register so that if they are caught with an animal again they can be charged. She said that dogs get bad names because of bad people.

RESOLUTIONS

Resolution No. 1 – Establishing Standard Work Day and Reporting For Council Member Stephen A. Jennings

Introduced by Council Member Roxanne M. Burns

BE IT RESOLVED, that the City of Watertown hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body.

			Elected Officials		
Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Employer	Days/Month
				Record of Time Worked (Y/N)	(based on Record of Activities)
Council Member	Stephen A. Jennings	6 hours	01/01/14-12/31/17	N	5.30 days

On this 7nd day of July 2014,

(Signature of Clerk)

Date enacted _____

I, Ann M. Saunders, Clerk of the governing board of the City of Watertown, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board,

at a legally convened meeting held on the 7nd day of July 2014 on file as part of the minutes of such meeting, and the same is a true copy thereof and whole of such original.

I further certify that the full board consists of 5 members and that 5 of such members were present at such meeting and that 4 of such members voted in favor of the above resolution and 1 such member abstained from voting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Council Member Jennings recused himself and left Council Chambers.

Council Member Butler thanked Mr. Jennings for the detail on his reporting.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Stephen A. Jennings abstaining.

Council Member Jennings returned to Council Chambers.

Resolution No. 2 – Establishing Standard Work Day and Reporting for Council Member Teresa R. Macaluso

Introduced by Council Member Joseph M. Butler, Jr.

BE IT RESOLVED, that the City of Watertown hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body.

Elected Officials					
Title	Name	Standard	Term	Employer	Days/Month
		Work Day	Begins/Ends	Record of Time	(based on
		(Hrs/day)		Worked	Record of
				(Y/N)	Activities)
Council Member	Teresa R. Macaluso	6 hours	01/01/14-12/31/17	N	5.57 days

On this 7nd day of July 2014,

(Signature of Clerk)

Date enacted _____

I, Ann M. Saunders, Clerk of the governing board of the City of Watertown, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 7nd day of July 2014 on file as part of the minutes of such meeting, and the same is a true copy thereof and whole of such original.

I further certify that the full board consists of 5 members and that 5 of such members were present at such meeting and that 4 of such members voted in favor of the above resolution and 1 such member abstained from voting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Watertown.

Seconded by Council Member Roxanne M. Burns

Prior to the vote on the foregoing resolution, Council Member Macaluso recused herself and left Council Chambers.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Teresa R. Macaluso abstaining.

Council Member Macaluso returned to Council Chambers.

Resolution No. 3 – Approving Employment Agreement Between the City of Watertown and Sharon Addison, City Manager

Introduced by Council Member Roxanne M. Burns

WHEREAS the City Council of the City of Watertown has done a review of the City Manager's contract and performance, and

WHEREAS the City Council feels that the Manager has served the City of Watertown as provided for in the Charter of the City of Watertown and in the Optional City Government Law as contained at Chapter 444 of the Laws of 1914,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Employment Agreement between the City of Watertown and Sharon Addison, a copy of which is attached and made a part of this resolution, commencing on July 1, 2014 through June 30, 2016, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the Employment Agreement on behalf of the City of Watertown.

Seconded by Council Member Stephen A. Jennings

Prior to the vote on the foregoing resolution, Council Member Burns commented that Ms. Addison exceeded her expectations since her hiring and that she appreciates her dedication and diligence.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 4 – Amendment No. 98 to the Management and Management Confidential Pay Plan

Introduced by Council Member Teresa R. Macaluso

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby approves Amendment No. 98 to the Management and Management Confidential Pay Plan

for the position listed below, as follows:

<u>Position</u>	<u>Salary</u>
Police Captain	\$86,000
<u>Seconded by Council Member Stephen A. Jennings</u>	

Prior to the vote on the foregoing resolution, Mayor Graham introduced Captain Michael LaBarge and offered his congratulations.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 5 – Approving Agreement for Public Benefit Services Between the City of Watertown and the Community Action Planning Council of Jefferson County, Inc

Introduced by Council Member Stephen A. Jennings

WHEREAS the Community Action Planning Council of Jefferson County (CAPC) was incorporated and designated in 1967 as the official anti-poverty agency for Jefferson County, and

WHEREAS since that time, CAPC has received funds from local governments as the local share required to leverage State and Federal program service dollars, and

WHEREAS the services provided by the CAPC promotes a public purpose, and

WHEREAS the services promote the education, charity, health, safety and welfare of the citizens of the City of Watertown,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Public Benefit Services between the City of Watertown and the Community Action Planning Council of Jefferson County, Inc., a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute this Agreement on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 6 – Approving Agreement Between the City of Watertown and the Thompson Park Conservancy

Introduced by Council Member Teresa R. Macaluso

WHEREAS the Lessor, City of Watertown, owns the facility known as Thompson Park, located in the City of Watertown, County of Jefferson, State of New York, and

WHEREAS the Lessor has entered into an Agreement with the Tenant, Thompson Park Conservancy, Inc., to lease certain premises located at the Park for the operation of the “Thompson Park Zoo” by Lease dated December 1997, and

WHEREAS since that time, the City of Watertown has provided both financial and in-kind services in support of the Thompson Park Conservancy, and

WHEREAS the City Council has determined that it is in the best interest of the taxpayers of the City of Watertown to provide direct support to the Thompson Park Conservancy to be used to improve the leased premises as detailed in the attached Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City of Watertown and the Thompson Park Conservancy, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute this Agreement on behalf of the City of Watertown.

Seconded by Council Member Roxanne M. Burns and carried with all voting yea.

Resolution No. 7 – Accepting Bid for Department of Public Works Snow Dump Chute Reconstruction Project, Acts II Construction Inc.

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City Purchasing Department has advertised and received sealed bids for the Department of Public Works snow Dump Chute Reconstruction Project, per our specifications, and

WHEREAS invitations to bid were issued to Northern New York and Syracuse Builders Exchange and the Dodge Reports, with five (5) sets of bid specifications requested and sent to contractors, and six (6) sealed bids received and publicly opened and read in the City Purchasing Department on Thursday, June 19, 2014, at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with Engineering Department, and it is their recommendation that the City Council accept the bid submitted by Acts II Construction Inc.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Acts II Construction Inc. as the lowest qualifying bidder for the Department of Public Works Snow Dump Chute Reconstruction Project in the amount of \$94,777.00, per our specifications, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, be authorized and directed to sign all contracts associated with implementing the award to Act II Construction Inc.

Seconded by Council Member Stephen A. Jennings

Prior to the vote on the foregoing resolution, Council Member Jennings noted that this was over the budgeted amount.

James Mills, City Comptroller explained that towards the end of the year he will do supplemental appropriations to move funds around and he is confident that there will be funds available to cover this.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Butler voting nay.

Resolution No. 8 – Authorizing Spending from Capital Reserve Fund

Introduced by Council Member Stephen A. Jennings

WHEREAS on June 19, 2006, the City Council approved establishing a Capital Reserve Fund pursuant to Section 6-c of the General Municipal Law to finance future capital improvements, and

WHEREAS the Adopted 2014-15 Capital Fund Budget and General Fund Budget included the following projects and equipment purchases: DPW dump truck (\$140,000) and hydro-electric facility transformer cable replacements (\$140,000) and

WHEREAS the City Council desired to fund these projects and equipment purchases from the Capital Reserve Fund, and

WHEREAS on Monday, July 21, 2014 at 7:30 p.m., the City Council of the City of Watertown held a public hearing to discuss the expenditure of funds from this capital reserve fund, and

WHEREAS it has been determined that the expenditure of these funds is in keeping with the purpose for the capital reserve fund,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the appropriating of Capital Reserve funds in an amount not to exceed \$1,240,000 to pay for the cost of the DPW dump truck (\$140,000) and hydro-electric facility transformer cable replacements (\$140,000).

Seconded by Council Member Macaluso

Motion was made by Council Member Joseph M. Butler, Jr. to schedule a Public Hearing on the foregoing resolution for Monday, July 21, 2014 at 7:30 P.M. Motion was seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.

Resolution No. 9 – Approving Change Order No. 2 for Arena Storage Building Project, D.E.W. Builders, Inc.

Introduced by Council Member Roxanne M. Burns

WHEREAS City Council approved the bid submitted by D.E.W. Builders, Inc. on October 7, 2013 for an Arena Storage Building, per our specifications, in the amount of \$256,952.46, and

WHEREAS City Council approved Change Order No. 1 on April 21, 2014, and

WHEREAS D.E.W. Builders, Inc. has now submitted Change Order No. 2 for additional work,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York approves Change Order No. 2 submitted by D.E.W. Builders, Inc., a copy of which is attached and made part of this resolution, for additional work in the amount of \$6,688.00 bringing the total contract amount to \$263,640.46, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 10 – Authorizing Public Auction for Sale of City Owned Property

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City of Watertown owns certain lots of land acquired at Tax Sale and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>
10-03-112.000	111 Orchard Street South

And,

WHEREAS title of said land has been retained by the City of Watertown, and

WHEREAS the City Council deems the properties to be excess and not required for any City purposes, and

WHEREAS the City Council desires to ensure that properties such as those listed above be brought into compliance with all applicable provisions of the New York State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the parcels of land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at 10:00 a.m. on the 30th day of July, 2014, in the 3rd Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder and there present, under the conditions herein set forth:

The aforesaid parcels are conveyed, together with all rights and privileges affecting the same, and also together with all buildings, improvements and appurtenances located upon said described parcels, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to accept bids for said parcels, in an amount not less than the minimum price set below, subject to the rights of the said City Council to reject any and all bids, and

<u>Parcel Number</u>	<u>Address</u>	<u>Minimum Bid</u>
10-03-112.000	111 Orchard Street South	\$ 1,000

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 percent (10%) of the bid price at the same time of each said successful bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said parcels of land shall be then sold to the successful bidder for cash or certified funds only, and

BE IT FURTHER RESOLVED that the Notice of Sale, any offer to purchase, and any deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of the City's delivery of the deed to the buyer, the City shall have the right to seek reversion of title to the City, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any parcel prior to the public sale of said parcels, and

BE IT FURTHER RESOLVED that the parcel shall be conveyed by Quit Claim Deed expressly reserving a permanent and perpetual easement for a sanitary sewer main in favor of the City.

Seconded by Council Member Stephen A. Jennings

Prior to the vote on the foregoing resolution, Mayor Graham mentioned other properties that the City had recently acquired through the tax cycle.

Mr. Mills indicated that five properties were acquired at the end of June but it is too soon to put them up for auction because the City needs to ensure that the houses are empty as well as review them for any municipal purposes.

Council Member Butler said Mr. Ronson is interested in this property but noted that the green space would have to be rezoned in order to be used as a parking lot.

Kenneth Mix, City Planner explained that the parcel is zoned Residential C so it would need to be rezoned if it is going to be used as an accessory parking area for the adjoining business.

Council Member Butler pointed out that there is an easement on this property so a parking lot or green space is basically the only development that can occur on this property.

Mayor Graham remarked that this property has a significant value to the adjacent property owner but noted that there are no assurances to getting the zone change.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Joseph M. Butler, Jr. voting nay.

Resolution No. 11 – Approving Change Order No. 5 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.

Introduced by Council Member Stephen A. Jennings

WHEREAS on June 3, 2013, the City Council of the City of Watertown approved a bid submitted by C.O. Falter Construction Inc. in the amount of \$3,923,101.00 for the Waste Water Disinfection Improvement Project general construction, and

WHEREAS City Council approved Change Order No. 1 on January 21, 2014 in the amount of \$11,781.55, and

WHEREAS City Council approved Change Order No. 2 in the additional amount of \$6,491.50 and Change Order No. 3 in the additional amount of \$9,075.69 on February 18, 2014, and

WHEREAS City Council approved Change Order No. 4 in the amount of \$1,961.80 on April 7, 2014, and

WHEREAS Resolution No. 10 of June 2, 2014 approved in the amount of \$72,872.68 had mistakenly been labeled Change Order No. 5, and the City Council desires to amend said Resolution No. 10 of June 2, 2014 to instead label said Change Order as Change Order No. 6 so that the City's and Contractor's records will be consistent, and

WHEREAS C. O. Falter Construction Inc. has now submitted Change Order No. 5 in amount of ~~*\$5,531.78~~ **\$5,571.38** bringing the total contract amount to ~~*\$4,030,816.00~~ **\$4,030,855.60**,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 5 to the contract with C.O. Falter Construction Inc. bringing the total to ~~*\$4,030,816.00~~ **\$4,030,855.60** for the Waste Water Disinfection Improvement Project general construction, and

BE IT FURTHER RESOLVED that Resolution No. 10 of June 2, 2014 is hereby amended to read that the Change Order approved by said Resolution shall be referred to as Change Order No. 6, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Mayor Graham noted that in paragraph six the figure of \$5,531.78 should be corrected to \$5,571.38 and that in paragraph six and seven the figure of \$4,030,816.00 should be corrected to \$4,030,855.60.

Motion was made by Council Member Stephen A. Jennings to amend the foregoing resolution. Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 12 – Approving Change Order No. 1 to Waste Water Disinfection Improvement Project, Plumbing, Hyde-Stone

Introduced by Council Member Stephen A. Jennings

WHEREAS on June 3, 2013, the City Council of the City of Watertown approved a bid submitted by Hyde-Stone in the amount of \$147,867.00 for the Waste Water Disinfection Improvement Project plumbing work, and

WHEREAS Hyde-Stone has now submitted Change Order No. 1 in amount of \$728.00 for modest pipe configuration changes, bringing the total contract amount to \$148,595.00,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with Hyde-Stone bringing the total to \$148,595.00 for the Waste Water Disinfection Improvement Project plumbing work, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

Seconded by Council Member Roxanne M. Burns and carried with all voting yea.

Resolution No. 13 – Authorizing Sale of Real Property, Formerly known as 283 and 284 Hillcrest Avenue to Mark W. Jones 125a Joseph Lonsway Drive, Clayton, NY 13624

Introduced by Council Member Roxanne M. Burns

WHEREAS on June 24, 1932 the City of Watertown took title to real property via tax deed to two parcels of land known as 283 and 284 Hillcrest Avenue, tax map numbers 113258 and 113259 respectively, and

WHEREAS City Council adopted resolution 1 of 1 on May 31, 1938 authorizing the City Treasurer to sell at public auction said real property, and

WHEREAS City Assessment records for 1939 show a change in ownership to said real property from the City of Watertown to John Bendwell with a changed status from tax exempt to taxable, and

WHEREAS City Assessment records indicate that the property has been in the ownership of John Bendwell or the apparent heirs of John Bendwell from 1939 until 2006 when the said real property along with a number of contiguous lots were purchased by Mark W. Jones from the estate of Elizabeth B. Bendwell, and

WHEREAS title to the said real property is unclear due to the inability to locate a deed from the City of Watertown to John Bendwell or any of his heirs, and

WHEREAS said real property has never been assigned by the Council for a public use nor has it claimed any ownership of said real property since 1939,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23 (b) of the New York General City Law, Section 247 of the Charter of the City of Watertown, and Chapter 16 of the Code of the City of Watertown, the City will transfer any interest it has or may have to said real property for the

sum of one dollar, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Mark W. Jones upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 14 – Approving Grant Application to the Justice Assistance Grant Program, Interlocal Agreement Between the City of Watertown and County of Jefferson

Introduced by Council Member Stephen A. Jennings

WHEREAS the City of Watertown is applying for federal funding under the Justice Assistance Grant Program, and

WHEREAS the City is notifying City Council and the public of the grant funding opportunity that is being provided by the Justice Assistance Grant Program, and

WHEREAS the funding, if awarded, will be allocated to the City of Watertown and Jefferson County,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Grant Application between the City of Watertown and the Justice Assistance Grant Program, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to sign the Interlocal Agreement Between the City of Watertown and the County of Jefferson.
Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 15 – Approving Professional Services Agreement Between the City of Watertown and Public Sector HR Consultants, LLC

Introduced by Council Member Roxanne M. Burns

WHEREAS the City of Watertown seeks assistance in handling human resource/ personnel issues, and

WHEREAS the City Manager has proposed utilizing the professional services of a private Human Resources consulting group to assist the City with human resource/personnel issues, and

WHEREAS the City Manager and staff have utilized the services of Public Sector HR Consultants, LLC since January 1, 2014;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Professional Services Agreement between Public Sector HR Consultants, LLC and the City of Watertown, a copy of which is attached hereto and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Council Member Butler asked for an update on the Employee Handbook.

Ms. Morris stated that the handbook is close to its final version. She explained that the Department Heads met to review the proposed draft in which changes were made so another meeting with the Department Heads is scheduled in two weeks. Once it is finalized, she said it will be shared with Council. She added that this agency has worked very well for the City in assisting with the counseling of employees and have always been very responsive.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 16 – Approving a Special Use Permit Request to Operate a Car Wash in a Neighborhood Business District at 816 Bradley Street, Parcels 1-09-201, 1-09-202 and 1-09-203.100

Introduced by Council Member Roxanne M. Burns

WHEREAS Anthony Doldo has made an application for a Special Use Permit to operate a car wash in a Neighborhood Business District at 816 Bradley Street, parcels 1-09-201, 1-09-202, and 1-09-203.100, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on July 1, 2014, and passed a motion recommending that the City Council of the City of Watertown approve the request as submitted, and

WHEREAS the Jefferson County Planning Board reviewed the request pursuant to General Municipal Law § 239-m at their July 29, 2014 meeting, and

WHEREAS a public hearing was held on the proposed Special Use Permit on August 4, 2014, after due public notice, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part II and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow a car wash at 816 Bradley Street is an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that a Special Use Permit is hereby granted to Anthony Doldo to allow operation of a car wash in a Neighborhood Business District at 816 Bradley Street, parcels 1-09-201, 1-09-202, and 1-09-203.100.

Seconded by Council Member Joseph M. Butler, Jr.

Motion was made by Council Member Roxanne M. Burns to schedule a Public Hearing on the foregoing resolution for Monday, August 4, 2014 at 7:30 P.M. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Resolution No. 17 – Approving Addition of Apartment to North Country Transitional Living Services Apartment Treatment Program, 497 Newell Street

Introduced by Council Member Teresa R. Macaluso

WHEREAS the North Country Transitional Living Services, Inc. desires to add a two bedroom apartment located at 497 Newell Street to its Apartment Treatment Program, and

WHEREAS there is currently a two bedroom apartment at the same address in the Apartment Treatment Program, and

WHEREAS Section 41.34 of the New York State Mental Hygiene Law requires North Country Transitional Living Services to notify the City of Watertown when it intends to house more than three clients at one address, and

WHEREAS the City Council of the City of Watertown, New York, has reviewed said proposal,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the request to add a two bedroom apartment located at 497 Newell Street to the North Country Transitional Living Services' Apartment Treatment Program.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 18 – Authorizing Application for NYS Division of Homeland Security and Emergency Services (DHSES) Under the FY 2014 Technical Rescue and USAR Grant, Fire Department

Introduced by Council Member Stephen A. Jennings

WHEREAS the NYS Division of Homeland Security and Emergency Services (DHSES) Under the FY 2014 Technical Rescue and USAR Grant is accepting applications ,and

WHEREAS the City of Watertown Fire Department has prepared an application that meets the intended purpose of this grant, which will allow the Department to purchase necessary equipment, and

WHEREAS the application in the amount of up to \$100,000 requires no matching funds from the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Fire Department to submit a grant application in the amount of up to \$100,000 to the NYS Division of Homeland Security and Emergency Services (DHSES) Under the FY 2014 Technical Rescue and USAR Grant, and

BE IT FURTHER RESOLVED that Fire Chief Dale C. Herman is hereby authorized and directed to execute the grant application on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Butler asked if this truck would be a backup to the Heavy Rescue Truck.

Dale Herman, Fire Chief confirmed that this would be a backup and explained that the current backup vehicle is a 2008 Ford 350 which has a work body on it. He noted that the new vehicle would have a more customized work body for equipment and be able to transport more passengers.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

ORDINANCES

Ordinance No. 1 – Changing the Approved Zoning Classification of 127 Winslow Street, Parcel 11-05-208, from Residence C to Limited Business District

Introduced by Council Member Joseph M. Butler, Jr.

BE IT ORDAINED where Gerald Schneeberger has submitted an application to change the approved zoning classification of 127 Winslow Street, parcel 11-05-208, from Residence C to Limited Business District, and

WHEREAS the Planning Board of the City of Watertown considered the request at its July 1, 2014 meeting and failed to adopt a motion recommending that City Council approve the zone change, with three members voting yea, two voting nay, and two absent, and

WHEREAS a public hearing was held on the proposed zone change on July 21, 2014, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change,

NOW THEREFORE BE IT ORDAINED that the approved zoning classification of 127 Winslow Street, parcel 11-05-208, be changed to Limited Business District, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect these changes, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or otherwise printed as the City Manager directs.

Seconded by Council Member Stephen A. Jennings

Motion was made by Council Member Joseph M. Butler, Jr. to schedule a Public Hearing on the foregoing ordinance for Monday, July 21, 2014 at 7:30 p.m. Motion was seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.

OLD BUSINESS

The Resolution “Approving Professional Services Agreement Between the City of Watertown and Ralph Marcellus, LCSW-R, ACSW, CASAC” (Introduced on 6/16/2014; tabled; appears in its entirety in the 2014 Minutes Book on page 11 of the 6/16/2014 minutes).

Motion was made by Council Member Teresa R. Macaluso to remove the foregoing resolution from the table. Motion was seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof except for Council Member Roxanne M. Burns voting nay.

Council Member Butler asked if all of the drivers would participate in a program or whether these services would only be employed after an incident. In addition, he asked if there is training program that is offered prior to employment or on a yearly basis.

Ms. Morris responded that services similar to this have only been used five to six times in the past ten years. She clarified that if an employee has an accident and the blood test finds that there is substance abuse then a referral is done. Also, she said that a referral would be made if it is thought that there is substance abuse by an employee regardless of an accident.

Eugene Hayes, Superintendent of Public Works explained that a Substance Abuse Professional (SAP) is the last person in the line after all the testing and requirements to meet with the employee and develop a course of action. He stressed that the City is obligated to provide this service for employees and explained the chain of events prior to the employee being required to meet with the SAP. When an employee is hired, Mr. Hayes commented that the City reviews the employee's confidential files from previous employers within the prior two years to see if there is any history of substance abuse.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Roxanne M. Burns and Mayor Jeffrey E. Graham voting nay.

STAFF REPORTS

The following reports were available for Council to review:

Request for Billing Adjustment to Water Charges
Surplus Sale of Vehicles and Equipment
Sales Tax Revenue – May 2014

NEW BUSINESS

Hydro Revenue

Mayor Graham reported that in speaking with Mr. Sligar, hydro revenue has solid figures for June.

Dog Park and Dog Ordinance

Mayor Graham stated that the issue of a dog park is ultimately a political decision and he does not think there is support to move ahead with it. Regarding the enforcement of the Dog Ordinance, Mayor Graham noted that the individual speaking earlier was charged with trespassing and he asked Attorney Slye to respond to the difference of trespassing verses a violation of the Dog Ordinance.

Attorney Slye stated that he is not familiar with the incident so he does not know what the interaction was with the officer. He clarified that there are provisions under Chapter 81 of the City Code for charging someone with violating the Dog Ordinance and that trespassing is a violation which does not follow under the criminal procedure law.

Mayor Graham questioned if there is a feeling that the Dog Ordinance is not sustainable in court and that is why another charge was chosen.

Attorney Slye confirmed that the ordinance is fully enforceable. He said that an officer would issue a ticket for the ordinance violation and ask the individual to leave with the dog. He suggested that if the individual did not leave then the officer might issue a trespassing violation.

Regarding a “Dog Ban”, Mayor Graham stressed that there is not a “ban” on dogs and it is just a reasonable restriction on high density public assembly situations. He advised that on an event in Thompson Park, such as Kite Day, there are plenty of other areas within the park that dogs could be walked.

Attorney Slye read from the ordinance identifying particular events where dogs are not permitted and deemed by this Council as a “Special Event” such that there is a high density of people. He listed the Farm and Craft Market, 4th of July Concert in the Park and the Jefferson County Fair. He added that the ordinance may apply to any other specifically approved event conducted in part upon city-owned property which may involve significant public assembly.

Mayor Graham mentioned that part of this restriction was because these events include food and the health code does not coincide with having animals around food.

Council Member Burns stressed that there is not a “Dog Ban” in Watertown. She read from the ordinance pointing out that the organizers of the Farmers’ Market were very supportive in not wanting dogs at their event, that fireworks during the 4th of July Concert are not conducive to dogs socializing and that the Fair Board did not want dogs at the Jefferson County Fair long before Council enacted this ordinance. She said the key is when the event is on city-owned property and parks. She also indicated that dogs are allowed to socialize at Thompson Park when there is not a high density event, mentioning that she used to do this with her dog. She offered other socializing options such as at Fort Drum and the SPCA and stated that dog parks are more prevalent in big cities such as New York City and Baltimore but rural areas have larger yards for dogs. Lastly, Council Member Burns commented that dog owners deserve rights but stressed that non-dog owners and children have rights as well and that this Council has done their best to try to balance the rights of everyone.

Council Member Butler agreed that this has been misconstrued as a ban on dogs and said that by reading the ordinance, there is not anything that says he cannot walk his dog at Thompson Park or other places within the City. He commented that the reason for the ordinance was to take the dogs away from a hazardous situation because you cannot take away the children from these hazardous situations. He

advised that the protection of the citizen is Council's first and foremost priority and the ordinance was written with that in mind. He said that he has a dog and loves dogs. He also noted that the Special Use Permit in front of Council tonight will have two washing bays for dogs so not everything that Council does is anti-dog. Regarding a dog park, he commented that he is opposed to the liability of it and paying for it when streets and sidewalks that everyone uses are in disrepair so it is an economical decision. In conclusion, Council Member Butler said that if someone wants a dog friendly event then they should work with the City Manager but noted it is common in other areas of New York State to have a dog ordinance like this one.

Council Member Macaluso commented that she feels like she is being called a dog hater but that could not be further from the truth. She said she does not think that this ordinance is unrealistic and that it is at par with the rest of the world in trying to make a community that is friendly for its people. She mentioned she personally is afraid of dogs and is uncomfortable when people bring dogs to events so not everyone is a dog lover wanting to share their day with a dog.

July 4th Concert at Thompson Park

Council Member Butler stated that the symphony in the park was a great event and thanked staff for putting a lot of time and effort into making this happen.

Deck at Maggie's

Mayor Graham said that he looked at the erosion at the base of the pillars and wondered if Public Works had the ability to fix it without hiring an outside vendor. He hoped to not have to spend a lot of money fixing this because a lot of staff's time and billable hours have already been spent on this deck.

In response to Mayor Graham's inquiry, Attorney Slye stated that he finished a letter to New York State regarding the City's position on the use of the deck by the restaurant. He clarified that the City's position is that there is no objection to the restaurant owner's comments and he added that the restaurant owner is pleased with this position.

Council Member Burns remarked that the feedback she has received is that the City has spent enough on this deck.

Mayor Graham asked for a report on what needs to be done to repair the deck.

July Work Session

Council Member Butler mentioned that he is not available on July 14th for the work session.

Council discussed availability and a date that works for everyone will be determined.

Rotary Fitness Trail at Thompson Park

Ms. Morris informed Council that the ribbon cutting would be Wednesday July 9th at 4:00 pm.

Jefferson County Fair

Mayor Graham announced that the fair will start tomorrow.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 8:07 p.m. by motion of Council Member Teresa R. Macaluso seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk